

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	Case No. 22-00114-CR-W-HFS
)	
JEFFREY D. HART)	
)	
Defendant.)	

ORDER

Pending is defendant's motion to dismiss (Doc. 31) and a report and recommendation (Doc. 41) that the motion be denied. Objections (Doc. 42) have just been filed, developing various arguments of unconstitutionality of this prosecution for alleged firearm possession by an alleged drug user.

Although defendant elaborates a number of plausible contentions, as indicated in footnote 2 of a very recent case cited in the R&R the great weight of very current authority in the district courts (including this district) rejects similar motions to dismiss. United States v. Costianes, 2023 WL 3550972, (D. Md.).

For reasons stated in the R&R, I ADOPT the recommendation and DENY the motion to dismiss.¹

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

Dated: June 22, 2023
Kansas City, Missouri

¹ I do view the type of prosecution here as controversial, less on the legal grounds advanced by defendant but more because prosecutions are spotty and apparently somewhat arbitrary. I am satisfied that the vast majority of drug users possessing firearms--a massive group one must suppose--are untouched by law enforcement or prosecutors.